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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/065,221

09/26/2002

Robert H. Wilson

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28395

7590

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EXAMINER

ADDY, ANTHONY S

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/065,221

Applicant(s)

WILSON, ROBERT H.

Examiner

Anthony S. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/01/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the structural detail in Figures 1-3 as referred to by the reference numbers in Figures 1-3 and as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 7-8 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shank, U.S. Patent Number 5,828,294 (hereinafter Shank)**, and further in view of **Goodman, U.S. Publication Number 2002/0142812 A1 (hereinafter Goodman)**.

Regarding claim 1, Shank teaches a portable communication system for a production facility (see col. 1, lines 12-15, col. 2, lines 4-5 and Fig. 1) comprising: at least one transmitter station that is adapted to be set up at a first location in a production facility (see col. 2, lines 44-46, col. 2, lines 32-34 and Fig. 1; where a transmitter 31 housed in an enclosure 11 at a first location is shown), the transmitter station having at least one transmitter that is operable to transmit a wireless signal (see col. 2, lines 44-67 and Fig. 1; where radiated radio waves 34 constitutes a wireless signal from transmitter 31), a transmitter light mounted proximate the transmitter station and wired to the transmitter so that it is illuminated when the transmitter transmits the wireless signal (see col. 3, lines 17-21 and Fig. 4; where a signal light or flashing circuit 12 is shown connected to a transmitter), a switch for controlling the transmitter and the light to indicate that service is required at the location (see col. 2, lines 1-4, col. 2, lines 13-15, col. 2, lines 32-37 and Figures 1 & 4; where a sensor 13 is shown for activating

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the signal light or flashing circuit 12 to signal for service at a location); a receiver station that is adapted to be set up at a second location in a production facility (see col. 2, lines 47-62 and Fig.1; where a receiver 33 is shown at a remote location from transmitter 31), the receiver station having at least one receiver for receiving the wireless signal from the transmitter (see col. 2, lines 47-62 and Fig.1; where a receiver 33 is shown at a remote location for receiving a radiated radio signal 34 from transmitter 31), a receiver light mounted proximate the receiver station (see col. 2, lines 54-62 and Fig. 1), and a sound generator (see col. 3, lines 7-15 and Fig. 1; where the portable annunciators 37 located at remote indicator 30 [receiver station] reads on a sound generator, since an annunciator is either a sound or light generating device); and wherein the transmitter station and receiver station are portable in that they may be set up for immediate use by simply connecting the transmitter station to the first power source and connecting the receiver station to the second power source (see col. 2, lines 4-8 and col. 3, lines 7-15) , and wherein actuation of the switch causes the transmitter light of the transmitter station to be illuminated and the transmitter to transmit the wireless signal to the receiver that in turn illuminates the receiver light and activates the sound generator (see col. 3, lines 7-20 and col. 2, lines 32-37). Shank further teaches a battery, either replaceable or rechargeable, is the preferred source of power, but an external power source can be used also (see col. 2, lines 6-8).

Shank fails to explicitly teach a transmitter power supply that converts alternating current from a first power source to direct current for powering the transmitter and a

receiver power supply that converts alternating current from a second power source to direct current for powering the receiver.

However, the use of a power supply that converts alternating current from a power source to direct current for powering an electronic device is very well known in the art as taught for example by Goodman. Goodman teaches a recharging system for recharging a cellular telephone battery using a DC power supply, wherein the recharging system is employed to convert the electrical current from AC to DC, to provide an acceptable DC voltage level, and to regulate the voltage (see paragraph 0025, lines 8-12 and Fig. 5). According to Goodman the recharging system includes a voltage regulator, a transformer, and rectifier to convert the AC power to DC power of an acceptable voltage for recharging the cellular telephone battery and the recharging system is electrically connected to the cellular telephone battery and a plug (see paragraph 0025, lines 13-18 and Fig. 5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to use the recharging system of Goodman in the system of Shank to include a transmitter power supply that converts alternating current from a first power source to direct current for powering the transmitter and a receiver power supply that converts alternating current from a second power source to direct current for powering the receiver to provide an acceptable DC voltage level, and to regulate the voltage of an electronic device, such that the device can operate at a proper voltage.

Regarding claim 3, Shank in view of Goodman teaches all the limitations of claim 1. Shank further teaches a portable communication system, wherein the switch is a

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manually operated switch (see col. 3, lines 17-19, col. 3, lines 2-4, col. 2, lines 12-14 and Fig. 1; where a customer's finger is shown actuating sensor 13 [i.e. reads on switch] to request service).

Regarding claim 4, Shank in view of Goodman teaches all the limitations of claim 1. Shank further teaches a portable communication system, wherein the switch is a sensor that is actuated in response to a sensed condition (see col. 3, lines 17-19, col. 3, lines 2-4, col. 2, lines 12-14 and Fig. 1; where a customer's finger is shown actuating sensor 13 [i.e. reads on switch] to request service).

Regarding claims 7 and 8, Shank in view of Goodman teaches all the limitations of claim 1. Shank fails to explicitly teach the transmitter and receiver power supply is a transformer and the first and second power source is a receptacle to which the transmitter and receiver power supply are connected by a plug.

However, the use of a transformer as a power supply and using a receptacle and a plug for powering an electronic device is very well known in the art as taught for example by Goodman. Goodman teaches a recharging system for recharging a cellular telephone battery using a DC power supply, wherein the recharging system is employed to convert the electrical current from AC to DC, to provide an acceptable DC voltage level, and to regulate the voltage (see paragraph 0025, lines 8-12 and Fig. 5).

According to Goodman the recharging system includes a voltage regulator, a transformer, and rectifier to convert the AC power to DC power of an acceptable voltage for recharging the cellular telephone battery and the recharging system is electrically

connected to the cellular telephone battery and a plug (see paragraph 0025, lines 13-18 and Fig. 5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to use the recharging system of Goodman in the system of Shank, such that the transmitter and receiver power supply are a transformer and the first and second power source is a receptacle to which the transmitter and receiver power supply are connected by a plug to provide an acceptable DC voltage level, and to regulate the voltage of an electronic device, such that the device can operate at a proper voltage.

Regarding claim 9, Shank teaches a method of providing a communication system comprising: setting up a transmitter station at a first location in a production facility (see col. 2, lines 44-46, col. 2, lines 32-34 and Fig. 1; where a transmitter 31 housed in an enclosure 11 at a first location is shown), the transmitter station having at least one transmitter that is operable to transmit a wireless signal (see col. 2, lines 44-67 and Fig. 1; where radiated radio waves 34 constitutes a wireless signal from transmitter 31), a transmitter light mounted proximate the transmitter station and wired to the transmitter so that it is illuminated when the transmitter transmits the wireless signal (see col. 3, lines 17-21 and Fig. 4; where a signal light or flashing circuit 12 is shown connected to a transmitter), a switch for controlling the transmitter and the light to indicate that service is required at the location (see col. 2, lines 1-4, col. 2, lines 13-15, col. 2, lines 32-37 and Figures 1 & 4; where a sensor 13 is shown for activating the signal light or flashing circuit 12 to signal for service at a location); setting up a receiver station at a second location in a production facility (see col. 2, lines 47-62 and Fig. 1;



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where a receiver 33 is shown at a remote location from transmitter 31), the receiver station having at least one receiver for receiving the wireless signal from the transmitter (see col. 2, lines 47-62 and Fig. 1; where a receiver 33 is shown at a remote location for receiving a radiated radio signal 34 from transmitter 31), a receiver light mounted proximate the receiver station (see col. 2, lines 54-62 and Fig. 1), and a sound generator (see col. 3, lines 7-15 and Fig. 1; where the portable annunciators 37 located at remote indicator 30 [receiver station] reads on a sound generator, since an annunciator is either a sound or light generating device); plugging in the transmitter station to the first power source; plugging in the receiver station to the second power source (Shank inherently teaches plugging in the transmitter and receiver station to a power source, since Shank teaches the transmitter and receiver stations are portable and an external power source can be used also to supply power to the transmitter and receiver [see col. 2, lines 4-8 and col. 3, lines 7-15]); and actuating the switch to illuminate the transmitter light, the receiver light and the sound generator (see col. 3, lines 7-20 and col. 2, lines 32-37). Shank further teaches a battery, either replaceable or rechargeable, is the preferred source of power, but an external power source can be used also (see col. 2, lines 6-8).

Shank fails to explicitly teach a transmitter power supply that converts alternating current from a first power source to direct current for powering the transmitter and a receiver power supply that converts alternating current from a second power source to direct current for powering the receiver.

However, the use of a power supply that converts alternating current from a power source to direct current for powering an electronic device is very well known in the art as taught for example by Goodman. Goodman teaches a recharging system for recharging a cellular telephone battery using a DC power supply, wherein the recharging system is employed to convert the electrical current from AC to DC, to provide an acceptable DC voltage level, and to regulate the voltage (see paragraph 0025, lines 8-12 and Fig. 5). According to Goodman the recharging system includes a voltage regulator, a transformer, and rectifier to convert the AC power to DC power of an acceptable voltage for recharging the cellular telephone battery and the recharging system is electrically connected to the cellular telephone battery and a plug (see paragraph 0025, lines 13-18 and Fig. 5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to use the recharging system of Goodman in the system of Shank to include a transmitter power supply that converts alternating current from a first power source to direct current for powering the transmitter and a receiver power supply that converts alternating current from a second power source to direct current for powering the receiver to provide an acceptable DC voltage level, and to regulate the voltage of an electronic device, such that the device can operate at a proper voltage.

Regarding claim 10, Shank in view of Goodman teaches all the limitations of claim 9. Shank further teaches a method, wherein the step of actuating the switch is performed by manually operating the switch (see col. 3, lines 17-19, col. 3, lines 2-4,

col. 2, lines 12-14 and Fig. 1; where a customer's finger is shown actuating sensor 13 [i.e. reads on switch] to request service).

Regarding claim 11, Shank in view of Goodman teaches all the limitations of claim 9. Shank further teaches a method, wherein the step of actuating the switch is performed by a sensor that senses a predetermined condition (see col. 3, lines 17-19, col. 3, lines 2-4, col. 2, lines 12-14 and Fig. 1; where a customer's finger is shown actuating sensor 13 [i.e. reads on switch] to request service).

Regarding claim 12, Shank in view of Goodman teaches all the limitations of claim 11. Shank further teaches a method, wherein the step of actuating the switch is reversed when the predetermined condition is no longer sensed by the sensor (see col. 3, lines 22-27).

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shank, U.S. Patent Number 5,828,294 (hereinafter Shank)** and **Goodman, U.S. Publication Number 2002/0142812 A1 (hereinafter Goodman)** as applied to claim 1 above, and further in view of **Boyd, II, U.S. Patent Number 6,104,313 (hereinafter Boyd)**.

Regarding claim 5, Shank in view of Goodman teaches all the limitations of claim 1. Shank further teaches the enclosure 11 housing the transmitter and power source is preferably portable (see col. 2, lines 4-5 and Fig. 1).

The combination of Shank and Goodman fails to explicitly teach the transmitter station is mounted on a portable stand having a plurality of legs that are placed on the

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floor and an upright portion to which a housing enclosing the transmitters and the power supply is attached in a spaced relationship to the floor.

Boyd, however, teaches a remotely controlled, portable, automated flagman includes a set of lights, a shaft rotatably supported by a housing containing a battery and a transmitter, where a tripod or other type of support structure is attached to the housing so as to support the set of lights and housing (see col. 4, lines 6-23, col. 4, lines 46-54, col. 6, lines 47-55 and Fig. 6; where a portable stand 10B including a housing 14, antenna 30, set of lights 54 and tripod 32 are shown). Boyd further teaches the shaft holding the set of lights is rotatably supported and to selectively turn the shaft (see col. 10-12 and Fig. 6; where a shaft 12 rotatably supporting a set of lights 54 is shown).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to use the portable stand of Boyd in the system of Shank and Goodman, to include a transmitter station mounted on a portable stand having a plurality of legs that are placed on the floor and an upright portion to which a housing enclosing the transmitters and the power supply is attached in a spaced relationship to the floor to provide a support structure for the housing and the transmitter light, so as to support the housing and the transmitter light at a proper height above the ground and to selectively turn the transmitter light to a desired direction using the rotatably shaft as taught by Boyd.

Regarding claim 6, the combination of Shank, Goodman and Boyd teaches all the limitations of claim 5. Shank further teaches the enclosure 11, housing the transmitter and power source is preferably portable (see col. 2, lines 4-5 and Fig. 1).

The combination of Shank and Goodman fails to explicitly teach the transmitter light is supported by flexible supports on the housing that permit the lights to be positioned in a range of positions to improve visibility.

Boyd, however, teaches a remotely controlled, portable, automated flagman includes a set of lights, a shaft rotatably supported by a housing containing a battery and a transmitter, where a tripod or other type of support structure is attached to the housing so as to support the set of lights and housing (see col. 4, lines 6-23, col. 4, lines 46-54, col. 6, lines 47-55 and Fig. 6; where a portable stand 10B including a housing 14, antenna 30, set of lights 54 and tripod 32 are shown). Boyd further teaches the shaft holding the set of lights is rotatably supported and to selectively turn the shaft (see col. 10-12 and Fig. 6; where a shaft 12 rotatably supporting a set of lights 54 is shown).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to use the portable stand of Boyd in the system of Shank and Goodman, such that a transmitter light is supported by flexible supports on the housing that permit the lights to be positioned in a range of positions to improve visibility and so as to support the housing and the transmitter light at a proper height above the ground and to selectively turn the light to a desired direction using the rotatably shaft as taught by Boyd.

***Allowable Subject Matter***

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robinson, U.S. Patent Number 4,186,388 discloses a proximity detector.

Hernandez, U.S. Patent Number 6,637,904 discloses wireless quick release lighting system with supports, mounting brackets, lights and accessories.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 703-305-8487. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
May 25, 2005



ERIKA A. GARY  
PRIMARY EXAMINER